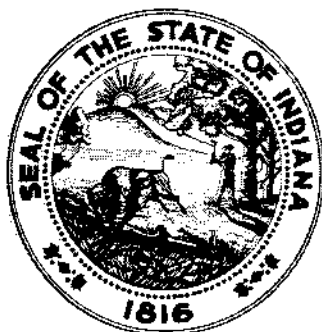


BOARD OF PODIATRIC MEDICINE

A compilation of the Indiana Code and Indiana Administrative Code

2015 Edition



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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing the podiatric profession, as of July 1, 2015. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana podiatric laws and regulations. It is not intended to be offered as legal advice, and it may contain typographical errors.

The Board of Podiatric Medicine and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney.

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Board of Podiatric Medicine

July 2015 Edition

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IC 25-29

ARTICLE 29. PODIATRISTS

IC 25-29-1

Chapter 1. Regulation of Podiatrists

IC 25-29-1-0.5

Unauthorized practice of podiatric medicine; excluded activities

Sec. 0.5. (a) This article, as it relates to the unlawful or unauthorized practice of podiatric medicine, does not apply to any of the following:

- (1) A student in training in a podiatric medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's podiatric staff or in a program approved by the board.
- (2) An individual who renders service in case of emergency when no fee or other consideration is contemplated, charged, or received.
- (3) Commissioned podiatric medical officers or podiatric medical service officers of the armed forces of the United States, the United States Public Health Service, and podiatric medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana who are also licensed to practice podiatric medicine in another jurisdiction in the United States.
- (4) An individual who is licensed to practice podiatric medicine in another jurisdiction, and is called in for consultation by an individual licensed to practice podiatric medicine in Indiana.
- (5) An individual administering a domestic or family remedy to a member of the individual's family.
- (6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a podiatrist.
- (7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- (8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
- (9) A nurse practicing the nurse's profession under IC 25-23.
- (10) A pharmacist practicing the pharmacist's profession under IC 25-26.
- (11) A physical therapist practicing the physical therapist's profession under IC 25-27.
- (12) A physician or an osteopath practicing the physician's or osteopath's profession under IC 25-22.5.

(13) An employee, including a licensed podiatrist's assistant, of a podiatrist or group of podiatrists who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing podiatrist or group of podiatrists, if the act, duty, or function is performed under the direction and supervision of the employing podiatrist or a podiatrist of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing podiatrist or the podiatrist of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing podiatrist or a podiatrist of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (12), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(14) A hospital licensed under IC 16-21 or IC 12-25.

(15) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a podiatrist;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health facility;
- (E) a registered or licensed practical nurse;
- (F) a physician;
- (G) a chiropractor; or
- (H) a physical therapist.

(b) A person described in subsection (a)(8) through (a)(12) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of podiatric medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(14) through (a)(15) and a licensed podiatrist does not constitute the unlawful practice of podiatric medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed podiatrist. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of podiatric medicine.

(d) This subsection does not apply to a prescription or drug order

for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21-2. A podiatrist licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of podiatric medicine under this chapter.

As added by P.L.33-1993, SEC.50. Amended by P.L.2-1995, SEC.99; P.L.1-1998, SEC.133; P.L.42-2011, SEC.57.

IC 25-29-1-1

Repealed

(Repealed by Acts 1982, P.L.113, SEC.91.)

IC 25-29-1-1.1

Definitions

Sec. 1.1. The definitions in this chapter apply throughout this article.

As added by Acts 1981, P.L.222, SEC.221. Amended by P.L.137-1985, SEC.9; P.L.33-1993, SEC.51; P.L.217-1993, SEC.5; P.L.1-1994, SEC.127.

IC 25-29-1-2

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-3

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-3.1

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-4

Repealed

(Repealed by P.L.137-1985, SEC.19.)

IC 25-29-1-4.1

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-5

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-5.1

Repealed

(Repealed by P.L.33-1993, SEC.74.)

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IC 25-29-1-5.2

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-6

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-29-1-6.1

Repealed

(Repealed by P.L.152-1988, SEC.30.)

IC 25-29-1-7

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-8

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-9

Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-29-1-9.5

"Agency" defined

Sec. 9.5. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.1-2006, SEC.470.

IC 25-29-1-10

"Board" defined

Sec. 10. "Board" refers to the board of podiatric medicine established by IC 25-29-2-1.

As added by P.L.33-1993, SEC.53.

IC 25-29-1-11

Repealed

(As added by P.L.33-1993, SEC.54. Repealed by P.L.1-2006, SEC.588.)

IC 25-29-1-12

"Podiatric medicine" defined

Sec. 12. (a) "Podiatric medicine" means the diagnosis or medical, surgical (as described in IC 25-22.5-1-1.1(a)(1)(C)), and mechanical treatment of the human foot and related structures.

(b) Podiatric medicine includes the administration of local anesthetics.

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As added by P.L.33-1993, SEC.55.

IC 25-29-1-13

"Podiatrist" defined

Sec. 13. "Podiatrist" means an individual who:

- (1) practices podiatric medicine; and
- (2) uses one (1) or more of the following designations:
 - (A) Doctor of podiatric medicine.
 - (B) Podiatric physician.
 - (C) Podiatric surgeon.

As added by P.L.33-1993, SEC.56.

IC 25-29-1-14

"Podiatrist's assistant" defined

Sec. 14. "Podiatrist's assistant" means an individual who is certified under IC 25-29-8.

As added by P.L.33-1993, SEC.57.

IC 25-29-1-15

"Supervising podiatrist" defined

Sec. 15. "Supervising podiatrist" means a licensed podiatrist who has been certified by the board under IC 25-29-8 to supervise a podiatrist's assistant.

As added by P.L.33-1993, SEC.58.

IC 25-29-1-16

"Surgical treatment" defined

Sec. 16. "Surgical treatment" means the incision, excision, or disarticulation of parts of the human foot and related structures to treat a disease, a deformity, or an ailment of the foot. The term does not include the amputation of the entire foot, but does include the amputation of an entire toe if the amputation is performed at an institution:

- (1) that is approved by a joint commission of accredited hospital organizations; and
- (2) where comanagement of the patient is being performed by a physician licensed under IC 25-22.5.

As added by P.L.33-1993, SEC.59.

IC 25-29-2

Chapter 2. Board of Podiatric Medicine

IC 25-29-2-1

Establishment of board

Sec. 1. The board of podiatric medicine is established.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-2

Membership of board; qualifications

Sec. 2. (a) The board consists of six (6) members appointed by the governor.

(b) Four (4) members must be licensed podiatrists who actively practice podiatric medicine and who meet the following conditions:

- (1) Be licensed in Indiana as a podiatrist under this article.
- (2) Be a resident of Indiana.
- (3) Have practiced podiatric medicine for at least five (5) years.

(c) Two (2) members of the board must meet the following conditions:

- (1) Be a resident of Indiana.
- (2) Not be associated with the practice of podiatry other than as a consumer.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-3

Term of members

Sec. 3. A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-4

Removal of member; filling vacancies

Sec. 4. (a) The governor may remove a member of the board after a hearing conducted under IC 4-21.5-3 for incompetency, neglect of duty, or for unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-5

Quorum

Sec. 5. A quorum of the board consists of four (4) members. At least four (4) votes are necessary for the board to take official action.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-6

Meetings

Sec. 6. (a) The board shall hold at least one (1) meeting each year.

The board may hold additional meetings that the board considers necessary.

(b) A meeting may be called by the chairman or by a majority of the members of the board.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-7

Officers

Sec. 7. Each year the board shall elect a chairman and any other officers from its members that the board considers necessary.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-8

Compensation and reimbursement

Sec. 8. Each member of the board is entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling and expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures prepared by the Indiana department of administration and approved by the budget agency.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-9

Records

Sec. 9. The agency shall keep a record of all licenses and applications for licensure. The record must contain all the facts in the application, including the action of the board on the application.

As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.471.

IC 25-29-2-10

Receipts and deposits

Sec. 10. The agency shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state.

As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.472.

IC 25-29-2-11

Adoption of rules

Sec. 11. (a) The board may adopt rules under IC 4-22-2 concerning the following:

(1) Forms necessary for applications.

(2) Creation of a committee to assist the board with the administration of podiatrist's assistants and supervising podiatrists under IC 25-29-8.

(3) Areas that are necessary to implement this act.

(b) The board shall adopt rules under IC 4-22-2 concerning the

following:

- (1) The establishment of fees under IC 25-1-8-2.
- (2) The retirement or surrender of a license.
- (3) Granting an inactive license and procedures for reinstatement of an inactive license.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-12

Conduct of hearings

Sec. 12. Each hearing conducted by the board must be held in accordance with the procedures under IC 4-21.5-3.

As added by P.L.33-1993, SEC.60.

IC 25-29-3

Chapter 3. Application for Licensure

IC 25-29-3-1

Evidence required for licensure

Sec. 1. An individual who applies for a license to practice podiatric medicine must present satisfactory evidence to the board that the individual:

- (1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (3) has graduated with a degree of doctor of podiatric medicine from a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (4) has satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training that meets the requirements of the Council on Podiatric Medical Education; and
- (5) has proper medical malpractice insurance.

As added by P.L.33-1993, SEC. 61.

IC 25-29-3-2

Applicant appearance before board

Sec. 2. (a) The board may require an applicant under this chapter to personally appear before the board.

(b) The board may require the applicant to provide other information that the board determines is necessary.

As added by P.L.33-1993, SEC. 61.

IC 25-29-3-3

Application fee

Sec. 3. An individual applying for a license under this chapter must pay a fee.

As added by P.L.33-1993, SEC. 61.

IC 25-29-3-4

Right of applicant to take examination

Sec. 4. An applicant who satisfies the requirements under this chapter may take the examination under IC 25-29-4.

As added by P.L.33-1993, SEC. 61. Amended by P.L.2-2005, SEC. 68.

IC 25-29-4

Chapter 4. Examinations

IC 25-29-4-1

Provision for examinations

Sec. 1. The board shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-2

Preparation, administration, and scoring of examination

Sec. 2. (a) The board shall approve the preparation, administration, and scoring of the examination.

(b) The board shall establish examination procedures and the score required to pass the examination.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-3

Division of examination into parts; rules for reexamination

Sec. 3. (a) The board may require that the examination be administered in separate parts.

(b) The board shall establish specific time requirements for an initial applicant to pass the examination.

(c) The board may grant permission to take subsequent examinations and establish additional requirements for applicants who do not meet the time requirements to pass the examination under subsection (b).

As added by P.L.33-1993, SEC.62.

IC 25-29-4-4

Examination fees

Sec. 4. An applicant must pay an examination fee before taking the examination.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-5

Grant of license to successful examinees

Sec. 5. The board shall issue a license to an applicant who has passed the examination and meets the other requirements under this chapter and IC 25-29-4.

As added by P.L.33-1993, SEC.62.

IC 25-29-5

Chapter 5. Reciprocity; Temporary Licensure

IC 25-29-5-1

Reciprocal licenses

Sec. 1. (a) The board may issue a license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) meets the requirements under IC 25-29-3-1;
- (2) is licensed in a state, territory, or possession of the United States;
- (3) has passed a podiatric medical licensing examination that is substantially equivalent to the examination under IC 25-29-4; and
- (4) has practiced podiatric medicine for at least five (5) years.

(b) The board may require an applicant under this section to do the following:

- (1) Personally appear before the board.
- (2) Pass a medical examination, approved by the board, if at least ten (10) years have elapsed since the applicant passed a medical licensing examination.

As added by P.L.33-1993, SEC. 63. Amended by P.L.2-2005, SEC. 69.

IC 25-29-5-2

Temporary licensure

Sec. 2. (a) The board may issue a temporary license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) meets the requirements established by the board; and
- (2) is licensed in a state, territory, or possession of the United States.

(b) A temporary license expires the earlier of:

- (1) the date the applicant holding the temporary license is issued a license under this article; or
- (2) the date the board disapproves the applicant's licensure application.

As added by P.L.33-1993, SEC. 63.

IC 25-29-5-3

Limited licensure

Sec. 3. The board may issue a limited license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) except for the requirements under IC 25-29-3-1(3) and IC 25-29-3-1(4), meets the requirements under IC 25-29-3-1;
- (2) meets the requirements established by the board; and
- (3) is enrolled in a graduate training program in an institution that is approved by the board.

IC 25-29-6

Chapter 6. License Renewal

IC 25-29-6-1

Expiration of license

Sec. 1. Subject to IC 25-1-2-6(e), a license to practice podiatric medicine expires on a date established by the agency under IC 25-1-5-4 in each odd-numbered year.

As added by P.L.33-1993, SEC.64. Amended by P.L.158-2003, SEC.8; P.L.1-2006, SEC.473; P.L.177-2015, SEC.67.

IC 25-29-6-2

Renewal notice; fee

Sec. 2. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fees must be paid in accordance with IC 25-1-8-2(d).

As added by P.L.33-1993, SEC.64.

IC 25-29-6-3

Failure to renew; conditions for subsequent relicensing

Sec. 3. (a) The failure on the part of a podiatrist to renew a license as required does not deprive the individual of the right of renewal of the individual's license.

(b) The board may reinstate a license to a podiatrist who has not renewed the individual's license not later than four (4) years after the expiration if the individual meets the requirements under IC 25-1-8-6(c).

(c) If a license has been expired for more than four (4) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.33-1993, SEC.64. Amended by P.L.105-2008, SEC.56.

IC 25-29-6-4

Application for renewal; contents and verification

Sec. 4. An application for renewal must be verified by the applicant and include the following information:

- (1) Any action taken against the podiatrist for conduct that would be a ground for disciplinary action.
- (2) Any awards, judgments, or settlements against the podiatrist that total at least twenty thousand dollars (\$20,000) in a calendar year.
- (3) The podiatrist's voluntary surrender or voluntary limitation on a license or authorization to practice podiatric medicine in another jurisdiction.
- (4) Any denial to issue the podiatrist a license or authorization to practice medicine in another jurisdiction.
- (5) The podiatrist's voluntary resignation from the medical staff

of a health care institution or voluntary limitation of the podiatrist's staff privileges at the health care institution if the action occurred while the podiatrist was under investigation by the health care institution for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.

(6) The podiatrist's voluntary resignation or withdrawal from a podiatric medical society, an association, or an organization if the action occurred while the podiatrist was under investigation or review by the medical body for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.

(7) Any addiction or treatment for addiction to alcohol or a chemical substance during the preceding four (4) years.

(8) Any physical injury or disease or mental illness during the preceding four (4) years that affected or may affect the podiatrist's ability to practice podiatric medicine.

(9) Except for a showing of good cause that is acceptable to the board, evidence of the podiatrist's maintenance of professional medical competence, which may include continuing podiatric medical education, postgraduate studies, institutes, seminars, lectures, conferences, work shops, professional evaluation, and specialty board certification or recertification during the preceding four (4) years.

As added by P.L.33-1993, SEC.64.

IC 25-29-6-5

Applications for renewal; further information or appearance

Sec. 5. The board may under section 4 of this chapter require an applicant to do the following:

(1) Provide additional information that the board determines is necessary.

(2) Personally appear before the board.

As added by P.L.33-1993, SEC.64.

IC 25-29-6-6

Use of information for investigation or disciplinary proceedings

Sec. 6. The board may initiate an investigation or a disciplinary proceeding based on information that is collected under this chapter.

As added by P.L.33-1993, SEC.64.

IC 25-29-7

Chapter 7. Impairment

IC 25-29-7-1

Finding of impairment; disposition

Sec. 1. If after a physical or mental examination under IC 25-1-9-7 and a hearing, the board determines that a podiatrist is impaired from practicing podiatric medicine with reasonable skill and safety because of a mental illness, a physical illness, or an excessive use or habitual abuse of a controlled substance (as defined in IC 35-48-1-9) or alcohol the board may impose any of the following, singly or in combination:

- (1) Require the podiatrist to submit to care, counseling, or treatment that is acceptable to the board.
- (2) Suspend, limit, or restrict the podiatrist's license for the duration of the impairment.
- (3) Revoke the podiatrist's license.

As added by P.L.33-1993, SEC.65.

IC 25-29-7-2

Rehabilitation; removal or modification of sanction

Sec. 2. (a) A podiatrist who is prohibited from practicing podiatric medicine under section 1 of this chapter may present evidence to the board at reasonable intervals that the podiatrist is able to practice podiatry with reasonable skill and safety.

(b) The board may after a hearing under subsection (a) remove or modify any sanction imposed under section 1 of this chapter.

As added by P.L.33-1993, SEC.65.

IC 25-29-7-3

Adoption of rules

Sec. 3. The board may adopt rules that do the following:

- (1) Require podiatrists to report an impaired podiatrist to the board.
- (2) Approve certain voluntary treatment programs for impaired podiatrists that are medically directed and nonprofit. The rules must allow an approved treatment program to be exempt from reporting to the board if the impaired podiatrist is participating satisfactorily in the program.

As added by P.L.33-1993, SEC.65.

IC 25-29-8

Chapter 8. Podiatrist's Assistants

IC 25-29-8-1

Qualifications for licensure

Sec. 1. (a) An individual who applies for a podiatrist's assistant license must present satisfactory evidence to the board that the individual:

- (1) has completed all the requirements for podiatrist's assistants established by the National Board of Podiatric Medical Assistants;
- (2) has successfully completed the examination administered by the National Board of Podiatric Medical Assistants;
- (3) has met the education, skill, and experience qualifications established by the board;
- (4) has completed a verified application that contains the applicant's name and address and other information required by the board; and
- (5) has paid the fee established by the board.

(b) The board shall issue a podiatrist's assistant license to an applicant who meets the qualifications under subsection (a).

As added by P.L.33-1993, SEC.66.

IC 25-29-8-2

Supervising podiatrist certification; qualification

Sec. 2. (a) A licensed podiatrist may apply to the board for a certificate as a supervising podiatrist.

(b) An applicant under this section must agree:

- (1) to be personally responsible for the supervision of the podiatrist's assistant who is employed by the applicant;
- (2) to not employ more than two (2) podiatrist's assistants at one (1) time;
- (3) to limit a podiatrist's assistant's activities to areas in which the supervising podiatrist is qualified; and
- (4) other criteria established by the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-3

Personal appearance by applicant before board

Sec. 3. The board may require an applicant under this chapter to personally appear before the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-4

Qualification of podiatrist employing assistant; certification of supervisor

Sec. 4. (a) A podiatrist may not employ a podiatrist's assistant unless:

- (1) the podiatrist is certified; and

(2) the podiatrist's assistant is licensed;
under this chapter.

(b) A podiatrist's assistant may not work as a podiatrist's assistant under the supervision of any person except a certified supervising podiatrist.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-5

Standards of practice for assistants

Sec. 5. The board shall establish standards of practice for podiatrist's assistants.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-6

Term of license; renewal

Sec. 6. (a) A license or certificate issued under this chapter expires one (1) year after issuance.

(b) An individual issued a license or certificate under this chapter may apply for renewal if a renewal fee is paid and the applicant follows the procedures and meets the requirements established by the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-7

Revocation or suspension of license

Sec. 7. (a) The board may revoke or suspend a license or certificate issued under this chapter if a supervising podiatrist or podiatrist's assistant fails to comply with the requirements under this chapter.

(b) The board shall report a podiatrist's assistant's license suspension or revocation to the Federation of Podiatric Medical Boards.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-8

Assistants; prescription of drugs

Sec. 8. A podiatric assistant may not prescribe a legend drug (as defined in IC 16-18-2-199).

As added by P.L.33-1993, SEC.66.

IC 25-29-9

Chapter 9. Penalties

IC 25-29-9-1

Unauthorized practice of podiatric medicine; other violations

Sec. 1. (a) A person that knowingly engages or aids and abets another person, in the practice of podiatric medicine without a license issued under this article commits unauthorized practice of podiatric medicine, a Level 6 felony.

(b) A person who otherwise violates this article commits a Class C misdemeanor.

As added by P.L.33-1993, SEC.67. Amended by P.L.158-2013, SEC.291.

TITLE 845 BOARD OF PODIATRIC MEDICINE

NOTE: 845 IAC was transferred from 844 IAC. Wherever in any promulgated text there appears a reference to 844 IAC, substitute 845 IAC. Refer to the note after each rule heading for additional conversions.

ARTICLE 1. PODIATRISTS

Rule 1. Definitions

845 IAC 1-1-1 Definitions

Authority: IC 25-29-2-11

Affected: IC 25-1-5-3; IC 25-29-1-16

Sec. 1. The following definitions apply throughout this title:

- (1) "Board" means the board of podiatric medicine.
- (2) "Bureau" means the health professions bureau established by IC 25-1-5-3.
- (3) "Diagnosis" means the examination of a patient, parts of a patient's body, or materials taken or removed from a patient's body, or materials produced by a patient's body, to determine the source or nature of a disease or other physical or mental condition relating to ailments of the human foot.
- (4) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of man or woman which are recognized in the Physician's Desk Reference, 47th Edition, 1993, or otherwise established as a drug or medicine, by federal or state law. The term shall include local anesthetics as defined in subdivision (5).
- (5) "Local anesthetics" means a drug or gas that produces a partial or total loss of the sense of pain or touch that is limited in use to an area of the body around the site of its application and is induced to permit performance of a surgical procedure.
- (6) "Mechanical treatment of ailments of the human foot" means to prescribe, direct, order, or designate the use of, or manner of using an orthotic, orthotic device, orthosis, prosthetic device, prosthesis, or casting of the foot for devices or custom shoes for corrective treatment. The casting of the feet for orthoses, appliances, braces, and custom shoes may be permitted on the prescription of a practitioner licensed to do so in Indiana. It is not the intent of this article to prohibit the sale of noncustom built shoes or inserts that are commonly sold by merchants in commercial establishments.
- (7) "Medical treatment of ailments of the human foot" means to prescribe, direct, order, or designate the use of, or manner of using, a drug, medicine, or treatment by spoken or written words or other means, except for the systematic or regular, continuous, long term treatment of systemic diseases affecting the human foot and the administration of general anesthesia.
- (8) "Surgical treatment of ailments of the human foot" means the incision, excision, or disarticulation of parts of the foot and related structures to treat a disease, deformity, or ailment of the foot, excluding the amputation of an entire foot. A podiatrist may disarticulate an entire toe if performed according to IC 25-29-1-16.

(Board of Podiatric Medicine; 845 IAC 1-1-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1529; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2723; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1281; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-1-1) to the Board of Podiatric Medicine (845 IAC 1-1-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

Rule 2. Accreditation of Schools (Repealed)

(Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285)

Rule 3. Admission to Practice

845 IAC 1-3-1 Licensure by endorsement

Authority: IC 25-29-2-11

Affected: IC 25-29-4; IC 25-29-5-1

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Sec. 1. (a) The board may issue a license by endorsement to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
- (2) submits the fee specified in 845 IAC 1-6-8;
- (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (4) presents satisfactory evidence that he or she does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (6) submits a certified copy of a current license in good standing in any state, territory, or possession of the United States;
- (7) submits examination scores from the state from which the applicant is endorsing and presents satisfactory evidence that the examination is equivalent to the examination given under IC 25-29-4;
- (8) submits official notice from the National Board of Podiatry Examiners that the applicant has passed all areas of the examination given by the National Board of Podiatry Examiners;
- (9) submits a statement from the board in each state where the applicant is licensed, or has been licensed, certifying whether his or her license has been the subject of any final or pending disciplinary action;
- (10) submits proof of being in the practice of podiatric medicine for five (5) years in another state;
- (11) submits evidence of proper medical malpractice insurance;
- (12) submits proof of completion of a progressive graduate podiatric medical education training program that is at least twelve (12) months in length and meets the requirements of the Council on Podiatric Medical Education; and
- (13) meets all other minimum requirements specified in IC 25-29-5.

(b) According to IC 25-29-5-1(b)(2), if ten (10) years have elapsed since passing a medical licensing examination, the board may require an applicant to submit to the examination approved by the board. (*Board of Podiatric Medicine; 845 IAC 1-3-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2724; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1281; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 526; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-1) to the Board of Podiatric Medicine (845 IAC 1-3-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-3-2 Licensure by examination

Authority: IC 25-29-2-11

Affected: IC 25-29-3; IC 25-29-4

Sec. 2. (a) The board may issue a license by examination to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
 - (2) submits the fee specified in 845 IAC 1-6-8;
 - (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
 - (4) presents satisfactory evidence that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
 - (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
 - (6) submits official transcripts from the National Board of Podiatry Examiners certifying applicant's passing scores in all areas of the National Board of Podiatry Examiners examination;
 - (7) successfully completes, under IC 25-29-4, an examination provided by the board;
 - (8) submits proof of proper medical malpractice insurance within thirty (30) days of licensure;
 - (9) submits proof of completion of a progressive graduate podiatric medical education training program that is at least twelve (12) months in length and meets the requirements of the Council on Podiatric Medical Education; and
 - (10) meets all other minimum requirements specified in IC 25-29-3.
- (b) An applicant who fails the examination given by the committee may be reexamined at least once within six (6) months

of any such failure or denial. A candidate who has not passed every section of the examination may retake the examination on a regularly scheduled examination date. If a candidate has failed more than one (1) section of the examination or if a candidate fails any section three (3) times, the committee shall reexamine the candidate on all sections of the examination. If a candidate has failed only one (1) section of the examination but retakes the remaining failed section(s) of the examination on its next regularly scheduled date, the committee shall give the candidate credit for the section(s) which the candidate previously passed. Otherwise, the committee may not give credit to a candidate who passes less than all of the sections of the examination.

(c) An applicant who has failed the examination provided by the committee three (3) times shall not be allowed to retake the examination until such time as the applicant provides evidence of an additional one (1) year of postgraduate training in a program approved by the committee.

(d) The deadline for making any application for the examination provided by the committee shall be sixty (60) days prior to the examination date, except that where such dates are Saturday, Sunday, or a legal holiday, the deadline shall be the next business day immediately following such date. (*Board of Podiatric Medicine; 845 IAC 1-3-2; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1282; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 526; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)
 NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-2) to the Board of Podiatric Medicine (845 IAC 1-3-2) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-3-3 Progressive graduate podiatric medical training defined

Authority: IC 25-29-2-11

Affected: IC 25-29-3-1; IC 25-29-3-2; IC 25-29-5-1

Sec. 3. (a) As used in IC 25-29-3-1(4), "satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training" means completion of an established residency program that is no less than twelve (12) months in duration.

(b) An applicant who has enrolled in a twenty-four (24) month residency program must complete the entire residency program before becoming eligible for licensure under IC 25-29-5-1 and IC 25-29-5-1. (*Board of Podiatric Medicine; 845 IAC 1-3-3; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

Rule 4. License Renewal (Repealed)

(*Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; errata filed Feb 21, 1995, 2:15 p.m.: 18 IR 1837*)

Rule 4.1. License Renewal

845 IAC 1-4.1-1 Mandatory renewal; time

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 1. Every podiatrist holding a license issued by the board shall renew such license with the board every two (2) years. (*Board of Podiatric Medicine; 845 IAC 1-4.1-1; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

845 IAC 1-4.1-2 Mandatory renewal; notice

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 2. On or before April 30 every two (2) years, the board, or its duly authorized agent, shall notify each licensee that the licensee is required to renew with the board. The board, or its agent, shall furnish a licensee a form to be completed for renewal. (*Board of Podiatric Medicine; 845 IAC 1-4.1-2; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

845 IAC 1-4.1-3 Mandatory renewal; oath

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 3. Applications for all renewals must be made under oath or affirmation. (*Board of Podiatric Medicine; 845 IAC 1-4.1-3; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*)

845 IAC 1-4.1-4 Mandatory renewal; fees (Repealed)

Sec. 4. (*Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 4:45 p.m.: 27 IR 528*)

845 IAC 1-4.1-5 Delinquent renewal (Expired)

Sec. 5. (*Expired under IC 4-22-2.5, effective January 1, 2002.*)

845 IAC 1-4.1-6 Address; change of name

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 6. (a) Each licensee shall inform the board, in writing, of all changes in address or name within fifteen (15) days of the change.

(b) A licensee's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the board or the bureau, nor shall it exonerate or otherwise excuse the licensee from renewing such license. (*Board of Podiatric Medicine; 845 IAC 1-4.1-6; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*)

845 IAC 1-4.1-7 Inactive status

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 7. Any podiatrist who has retired from practice and wants to retain his or her license may do so for half of the usual renewal fee as required by 845 IAC 1-6-9, provided that he or she does not maintain an office for the practice of podiatric medicine and does not charge for any podiatric medical services that he or she might render. A podiatrist whose license is inactive may submit a written request to the board of podiatric medicine to reinstate his or her license by paying the full renewal fee. (*Board of Podiatric Medicine; 845 IAC 1-4.1-7; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

Rule 5. Continuing Education

845 IAC 1-5-1 Credit hours required

Authority: IC 25-29-2-11

Affected: IC 25-29-6-4

Sec. 1. (a) A licensee who renews a license as a podiatrist shall complete no less than thirty (30) hours of continuing podiatric medical education in courses or programs approved by any of the approved sponsors found in 845 IAC 1-5-3 [section 3 of this rule] in each two (2) year renewal period.

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(b) A podiatrist is not required to complete continuing education requirements for the year in which the initial license is issued.

(c) Continuing podiatric medical education acquired in any area other than podiatric medicine will not be accepted.

(d) Continuing education credit units or clock hours must be obtained within the renewal period and may not be carried over from one (1) licensure period to another.

(e) The continuing education requirement shall not be increased or decreased until this section is duly amended and all licensees are notified in writing at the date of their license renewal that the subsequent renewal will require an increased or decreased number of hours. (*Board of Podiatric Medicine; 845 IAC 1-5-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27 IR 527; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-1) to the Board of Podiatric Medicine (845 IAC 1-5-1) by P.L. 33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-5-2 Reporting credit (Repealed)

Sec. 2. (*Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 4:45 p.m.: 27 IR 525*)

845 IAC 1-5-2.1 Reporting continuing education credit; audit

Authority: IC 25-29-2-11; IC 25-1-4-3

Affected: IC 25-29-6-4

Sec. 2.1. (a) The licensee shall provide the board with a sworn statement signed by the licensee that the licensee has fulfilled the continuing education requirements required by the board.

(b) The licensee shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The licensee shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the licensees required to take continuing education courses. (*Board of Podiatric Medicine; 845 IAC 1-5-2.1; filed Oct 6, 2003, 4:45 p.m.: 27 IR 525; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-845090780RFA*)

845 IAC 1-5-3 Approval of continuing education programs

Authority: IC 25-29-2-11

Affected: IC 25-29-6-4

Sec. 3. To receive credit for continuing education programs, the program must be sponsored, accredited, or approved by any of the following organizations:

- (1) American Association of Podiatric Physicians and Surgeons.
- (2) American Medical Association (programs related to podiatric medicine).
- (3) American Society of Podiatric Dermatology.
- (4) American Society of Podiatric Medicine.
- (5) Council on Podiatric Medical Education.
- (6) American Podiatric Medical Association.
- (7) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organizations listed in subdivisions (1) through (6).
- (8) Any of the colleges of podiatric medicine accredited by the Council on Podiatric Medical Education.
- (9) A federal, state, or local government agency that coordinates or presents continuing education programs related to podiatric medicine.

(*Board of Podiatric Medicine; 845 IAC 1-5-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1284; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; filed Oct 6, 2003, 4:45 p.m.: 27*)

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IR 528; filed Apr 18, 2005, 2:30 p.m.; 28 IR 2716; readopted filed Nov 22, 2011, 12:16 p.m.: 20111221-IR-845110368RFA)
NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-3) to the Board of Podiatric Medicine (845 IAC 1-5-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

Rule 6. Standards of Professional Conduct

845 IAC 1-6-1 Standards of professional conduct and practice

Authority: IC 25-29-1-3

Affected: IC 25-29

Sec. 1. A podiatrist shall: (a) Maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment and prognosis, and of all records relating thereto, about which the podiatrist may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship. Information about a patient shall be disclosed by a podiatrist when required by law, including, but not limited to, the requirements of IC 34-4-12.6-1 [IC 34-4 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.], and IC 16-4-8-1 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.], and any amendments thereto, or when authorized by the patient or those responsible for the patient's care.

(b) Give a truthful, candid and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where a podiatrist reasonably determines that the information is or would be detrimental to the physical or mental health of the patient, or in the case of a minor or incompetent person, except where a practitioner reasonably determines that the information is or would be detrimental to the physical or mental health of those responsible for the patient's care.

(c) Give reasonable written notice to a patient or to those responsible for the patient's care when the podiatrist withdraws from a case so that another practitioner may be employed by the patient or by those responsible for the patient's care. A podiatrist shall not abandon a patient.

A podiatrist who withdraws from a case, except in emergency circumstances, shall, upon written request, and in conformity with the provisions of IC 16-4-8-1 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.] through IC 16-4-11 [IC 16-4 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.], and of any subsequent amendment or revision of said statute, make available to his patient or to those responsible for the patient's care, all records, test results, histories, x-rays, radiographic studies, diagnoses, files and information relating to said patient which are in the podiatrist's custody, possession or control, or copies of such documents.

(d) Exercise reasonable care and diligence in the treatment of patients based upon generally accepted and approved scientific principles, methods, treatments, and current professional theory and practice.

(e) Not represent, advertise, state or indicate the possession of any degree recognized as the basis for licensure to practice podiatric medicine and surgery unless the podiatrist is actually licensed on the basis of such degree in the state(s) in which he practices.

(f) Obtain consultation whenever requested to do so by a patient or by those responsible for a patient's care. Further, the podiatrist shall refer a patient to another practitioner in any case where the referring podiatrist does not consider himself qualified to treat the patient, and may refer the patient to another practitioner where the referring podiatrist is unable to diagnose the illness or disease of the patient.

(g)(1) A podiatrist who has personal knowledge based upon a reasonable belief that another podiatrist has engaged in illegal, unlawful, incompetent or fraudulent conduct in the practice of podiatry shall promptly report such conduct to a peer review or similar body, as defined in IC 34-4-12.6-1(c) [IC 34-4 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.], having jurisdiction over the offending podiatrist and the matter. This provision does not prohibit a podiatrist from promptly reporting said conduct directly to the committee of podiatric medicine. Further, a podiatrist who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of podiatric medicine, osteopathic medicine or medicine shall promptly report such conduct to the committee of podiatric medicine.

(2) A podiatrist who voluntarily submits himself/herself to, or is otherwise undergoing a course of treatment for, addiction, severe dependency upon alcohol or other drugs or controlled substances, or for psychiatric impairment, where such treatment is sponsored or supervised by an impaired podiatrists committee of a state, regional or local organization of professional health care

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providers, or where such treatment is sponsored or supervised by an impaired podiatrists committee of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (g)(1) or to the committee of podiatric medicine for so long as:

- (A) the podiatrist is complying with the course of treatment;
- (B) the podiatrist is making satisfactory progress.

If the podiatrist fails to comply with, or is not benefitted by, the course of treatment, the podiatrist chief administrative officer, his designee, or any member of the impaired podiatrists committee shall promptly report such facts and circumstances to the committee of podiatric medicine. This subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit or otherwise preclude the committee of podiatric medicine from taking such action as it deems appropriate or as may otherwise be provided by law.

- (h) A podiatrist may administer local anesthesia.

(i) Podiatrists may prescribe and administer drugs necessary in the practice of their profession if they apply to a primary condition or disease of the foot.

A podiatrist with staff privileges within a hospital, medical or health care facility may prescribe such drugs, medicines, or treatments to maintain the health of the patient in conjunction and cooperation with the co-admitting physician, the patient's physician, or the medical director (M.D. or D.O.) of the facility.

(j) The podiatric surgeon of record is responsible for maintaining the health of the patient pre-operatively, operatively, and post-operatively until the patient is discharged from his service, except for the regular long-term or systematic control of systemic diseases that are under the care of a medical or osteopathic physician.

(k) A podiatrist shall not attempt to exonerate himself from or limit his liability to a patient for his personal malpractice, except that a podiatrist may enter into agreements which contain informed, voluntary releases or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient's care.

(l) A podiatrist shall not attempt to preclude, prohibit or otherwise prevent the filing of a complaint against him by a patient or other practitioner for any alleged violation of IC 25-29, 844 IAC 8, or any other law. (*Board of Podiatric Medicine; 845 IAC 1-6-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-1) to the Board of Podiatric Medicine (845 IAC 1-6-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-6-2 Fees for services

Authority: IC 25-29-1-3

Affected: IC 25-29-1-6.1

Sec. 2. (a) Fees charged by a podiatrist for his professional services shall be reasonable and shall reasonably compensate the podiatrist only for services actually rendered.

(b) A podiatrist shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. Factors to be considered in determining the reasonableness of a fee include, but are not limited to, the following:

- (1) the difficulty and/or uniqueness of the services performed and the time, skill and experience required;
- (2) the fee customarily charged in the locality for similar practitioner services;
- (3) the amount of charges involved;
- (4) the quality of performance;
- (5) the nature and length of the professional relationship with the patient; and
- (6) the experience, reputation and ability of the practitioner in performing the kind of services involved.

(c) A podiatrist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:

- (1) the patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and
 - (2) the division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner.
- (d) A podiatrist shall not pay, demand, or receive compensation for referral of a patient, except for a patient referral program

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operated by a podiatry association which is approved by the board.

(e) A podiatrist shall not charge a separate and distinct fee for the incidental, administrative, nonmedical service of securing admission of a patient to a hospital or other medical or health care facility.

(f) A podiatrist shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur or happen. (*Board of Podiatric Medicine; 845 IAC 1-6-2; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*)
NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-2) to the Board of Podiatric Medicine (845 IAC 1-6-2) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-6-3 Responsibility for employees

Authority: IC 25-29-1-3

Affected: IC 25-29-1-6.1

Sec. 3. A podiatrist shall be responsible for the conduct of each and every person employed by the podiatrist (whether such employee is a podiatrist, nurse, or other specific professional health care provider employed by the podiatrist) for every action or failure to act by said employee or employees in the course of said employee(s) relationship with said podiatrist; provided, however, that a podiatrist shall not be responsible for the actions of persons he may employ whose employment by the podiatrist does not relate directly to the podiatrist's practice of podiatric medicine or surgery. (*Board of Podiatric Medicine; 845 IAC 1-6-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) *NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-3) to the Board of Podiatric Medicine (845 IAC 1-6-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.*

845 IAC 1-6-4 Advertising

Authority: IC 25-29-1-3

Affected: IC 25-29-1-6.1

Sec. 4. (a) A podiatrist shall not, on behalf of himself, a partner, associate, shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the podiatrist, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive or unfair statement or claim.

(b) In order to facilitate the process of informed selection of a podiatrist by the public, a podiatrist may advertise services through the public media including, but not limited to, a telephone directory, podiatrist's directory, newspaper or other periodical, radio or television, or through written communication not involving personal contact, provided that the advertisement is dignified and confines itself to the existence, scope, nature and field of practice of the podiatrist.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the podiatrist, and a recording and transcript of the actual transmission shall be retained by the podiatrist for a period of five (5) years from the last date of broadcast.

(d) If the podiatrist advertises a fee for a service, treatment, consultation, examination, radiographic study, or other procedure, the podiatrist must render that service or procedure for no more than the fee advertised.

(e) Unless otherwise specified in the advertisement, a podiatrist who publishes or communicates fee information in a publication that is published more frequently than one (1) time per month shall be bound by any representation made therein for a period of thirty (30) days after the publication date. A podiatrist who publishes or communicates fee information in a publication that is published once a month or less frequently shall be bound by any representation made therein until the publication of the succeeding issue. A podiatrist who publishes or communicates fee information in a publication which has no fixed date for publication of a succeeding issue shall be bound by any representation made therein for one (1) year.

(f) Unless otherwise specified, a podiatrist who broadcasts fee information by radio, cable or television shall be bound by any representation made therein for a period of ninety (90) days after such broadcast.

(g) Except as otherwise specified in this section, a podiatrist shall not contact or solicit individual members of the public

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personally or through an agent in order to offer services to such person or persons unless that person initiated contact with the podiatrist for the purpose of engaging that podiatrist's professional services.

(h) Any advertisement for podiatric medical treatment shall include the name(s) of the licensed podiatrist(s) associated with such treatment facility or employed by the treatment facility or employed by another podiatrist.

(i) A podiatrist must include the title "Chiropodist" or "Podiatrist", in any advertisement. (*Board of Podiatric Medicine; 845 LAC 1-6-4; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1533; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2728; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 LAC 8-6-4) to the Board of Podiatric Medicine (845 LAC 1-6-4) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 LAC 1-6-5 Referrals

Authority: IC 25-29-1-3

Affected: IC 25-29-1-6.1

Sec. 5. A podiatrist may, whenever the podiatrist believes it to be beneficial to the patient, send or refer a patient to a qualified specific professional health care provider's scope of practice. Prior to any such referral, however, the podiatrist shall examine or consult with the patient to insure that a condition exists in the patient which would be within the scope of practice of the specific professional health care provider to whom the patient is referred or sent. (*Board of Podiatric Medicine; 845 LAC 1-6-5; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1534; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 LAC 8-6-5) to the Board of Podiatric Medicine (845 LAC 1-6-5) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 LAC 1-6-6 Discontinuance of practice

Authority: IC 25-29-1-3

Affected: IC 25-29-1-6.1

Sec. 6. (a) A podiatrist, upon his retirement, or upon discontinuation of the practice of podiatric medicine or surgery, or upon leaving or moving from a community, shall not sell, convey [*sic.*] or transfer for valuable consideration, remuneration or for anything of value, patient records of that podiatrist to any other practitioner.

(b) A podiatrist, upon his retirement, or upon discontinuation of the practice of podiatric medicine or surgery, or upon leaving or moving from a community, shall notify all of his active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he intends to discontinue his practice of podiatric medicine and surgery in the community, and shall encourage his patients to seek the services of another practitioner; provided, however, that this subsection shall not apply to persons solely engaged in internship, residency, preceptorship, fellowship, teaching or other postgraduate medical education or training programs. The podiatrist discontinuing his practice shall make reasonable arrangements with his active patients for the transfer of his records, or copies thereof, to the succeeding practitioner or to a program conducted by a podiatry association approved by the committee.

(c) As used in this section, "active patient" means a person whom the podiatrist has examined, treated, cared for, or otherwise consulted with, during the two (2) year period [*sic.*] to retirement, discontinuation of the practice of podiatric medicine or surgery, or leaving or moving from a community.

(d) Nothing provided in this section shall preclude, prohibit or prevent a podiatrist from conveying or transferring the podiatrist's patient records to another licensed practitioner who is assuming a practice, provided that written notice is given to all patients as specified in this section. (*Board of Podiatric Medicine; 845 LAC 1-6-6; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1534; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2728; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 LAC 8-6-6) to the Board of Podiatric Medicine (845 LAC 1-6-6) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-6-7 Violation of standards

Authority: IC 25-29-1-3

Affected: IC 25-29

Sec. 7. Failure to comply with the standards of professional conduct and competent practice of podiatry specified in 844 IAC 8-6 may result in disciplinary proceedings against the offending podiatrist. Further, all podiatrists licensed in Indiana shall be responsible for having knowledge of the standards of conduct and practice established by IC 25-29 and 844 IAC 8. (*Board of Podiatric Medicine; 845 IAC 1-6-7; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1535; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-6-7) to the Board of Podiatric Medicine (845 IAC 1-6-7) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-6-8 Licensure fees (Repealed)

Sec. 8. (*Repealed by Board of Podiatric Medicine; filed Oct 6, 2003, 5:00 p.m.: 27 IR 529*)

845 IAC 1-6-9 Licensure fees

Authority: IC 25-1-8-2; IC 25-29-2-11

Affected: IC 25-29-1-3; IC 25-29-1-5

Sec. 9. (a) A candidate for examination shall purchase the examination directly from the examination service.

(b) The application/issuance fee for a license to practice, as a doctor of podiatric medicine, by examination is one hundred fifty dollars (\$150).

(c) The application/issuance fee for a license to practice, as a doctor of podiatric medicine, by endorsement is one hundred fifty dollars (\$150).

(d) The fee for verification of a license to another state or jurisdiction is ten dollars (\$10).

(e) The fee for a duplicate wall certificate is ten dollars (\$10).

(f) The fee for a temporary permit or limited license is fifty dollars (\$50).

(g) The fee for renewal of the license to practice is one hundred dollars (\$100) every two (2) years.

(h) The fee for renewal of the license that is in inactive status is fifty dollars (\$50) every two (2) years.

(i) The fees are subject to change in accordance with the health professions bureau fee schedule.

(j) All application fees are nonrefundable. (*Board of Podiatric Medicine; 845 IAC 1-6-9; filed Oct 6, 2003, 5:00 p.m.: 27 IR 529; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*)

Rule 7. Reinstatement to Practice

845 IAC 1-7-1 Evidence for reinstatement

Authority: IC 25-22.5-2-7

Affected: IC 25-29

Sec. 1. No person whose license to practice podiatric medicine has been suspended shall be eligible for reinstatement unless that person establishes by clear and convincing evidence before the committee that:

- (1) the person desires in good faith to obtain restoration of such license;
- (2) the term of suspension prescribed in the order of suspension has elapsed;
- (3) the person has not engaged in that practice for which that person was licensed, in this state or has attempted to do so from the date discipline was imposed;
- (4) the person has complied fully with the terms, if any, of the order for suspension;
- (5) the person's attitude with regard to the misconduct, violation of law or rule, or incompetent practice for which the person

was disciplined is one of genuine remorse;

(6) the person has a proper understanding, of and attitude towards, the standards that are imposed by statute or rule upon persons holding such license, as had been suspended or revoked and the person can be reasonably expected to conduct himself/herself in conformity with such standards;

(7) the person can be safely recommended to the public and applicable professions as a person fit to be reinstated and is able to practice his/her profession with reasonable skill and safety to patients;

(8) the disability has been removed, corrected or otherwise brought under control if the suspension was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs;

(9) the person has successfully taken and completed such written examinations and tests as may be required by the committee, and has completed such professional training or education under a preceptorship as may be required.

(Board of Podiatric Medicine; 845 IAC 1-7-1; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2729; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-1) to the Board of Podiatric Medicine (845 IAC 1-7-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-7-2 Petitions for reinstatement

Authority: IC 25-22.5-2-7

Affected: IC 25-29

Sec. 2. Any person whose license has been suspended may apply for reinstatement by filing with the committee a petition setting forth that the requirements of 844 IAC 8-7-1 have been satisfied or complied with. Six (6) copies of such petition shall be filed with the medical licensing board, together with a filing fee of two hundred dollars (\$200).

Upon the filing of such petition and payment of the filing fee, the committee shall schedule a hearing. After the hearing the committee shall determine whether the petitioner has met the requirements set forth in 844 IAC 8-7-1, and shall determine whether, as a condition of reinstatement, disciplinary or corrective measures, including, but not limited to, reexamination, additional training or postgraduate education, or a preceptorship, should be imposed. The committee shall thereafter, upon satisfactory compliance with the requirements of 844 IAC 8-7-1 and of any and all disciplinary and corrective measures which may be imposed, enter an order continuing the suspension or reinstating a license to the petitioner.

Any person filing for reinstatement shall be responsible for the payment of any and all costs incurred by the committee in conducting a hearing upon said petition for reinstatement which exceed the amount of the filing fee. Any such costs shall be paid by the petitioner within fifteen (15) days of the receipt of a statement therefor from the committee. In no event will there be any refund or rebate of any part of the filing fee. *(Board of Podiatric Medicine; 845 IAC 1-7-2; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2729; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-2) to the Board of Podiatric Medicine (845 IAC 1-7-2) by P.L.33-1993, SECTION 76, effective July 1, 1993.*

845 IAC 1-7-3 Duties of suspended licensees

Authority: IC 25-22.5-2-7

Affected: IC 25-29

Sec. 3. In any case where a person's license has been suspended, said person shall:

(1) Within thirty (30) days from the date of the order of suspension, file with the committee of podiatric medicine an affidavit showing that:

(A) All active patients then under the licensee's care have been notified in the manner and method specified by the committee of the licensee's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients to seek the services of another licensee of good standing of their own choice.

(B) All hospitals, medical and health care facilities where such licensee has privileges or staff status have been informed of the suspension order.

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(C) Reasonable arrangements were made for the transfer of patient records, radiographic studies, and test results, or copies thereof, to a succeeding licensee employed by the patient or those responsible for the patient's care.

(2) Notify in writing, by first class mail, the following organizations and governmental agencies of the revocation of licensure:

- (A) Indiana department of public welfare;
- (B) Social Security Administration;
- (C) the podiatric licensing board(s), or equivalent state agency, of each state in which the person is licensed;
- (D) Drug Enforcement Administration;
- (E) Indiana hospital association;
- (F) state podiatric medical association;
- (G) Indiana pharmacists association;
- (H) American Podiatric Medical Association.

(3) Proof of compliance with this section shall be a condition precedent to reinstatement.

(Board of Podiatric Medicine; 845 IAC 1-7-3; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2730; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-3) to the Board of Podiatric Medicine (845 IAC 1-7-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

845 IAC 1-7-4 Protection of patients' interest

Authority: IC 25-22.5-2-7

Affected: IC 25-29

Sec. 4. Whenever a person's license has been suspended, and said person has not fully complied with the provisions of 844 IAC 8-7-2 and 844 IAC 8-7-3, or if said licensee has disappeared or died or is otherwise unable to comply with said sections, the committee of podiatric medicine shall request the health professions bureau or any state podiatric medical association or any county podiatric medical association to take such action as may be appropriate to protect the interests of that person's patients. *(Board of Podiatric Medicine; 845 IAC 1-7-4; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2730; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-7-4) to the Board of Podiatric Medicine (845 IAC 1-7-4) by P.L.33-1993, SECTION 76, effective July 1, 1993.*

Rule 8. Temporary Permits (Repealed)

(Repealed by Board of Podiatric Medicine; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285)

Rule 8.1. Temporary Permits

845 IAC 1-8.1-1 Temporary permits; licensure by endorsement

Authority: IC 25-29-2-11

Affected: IC 25-29-5-2

Sec. 1. Persons holding a valid podiatric medical license or certificate to practice podiatric medicine in a state, territory, or possession of the United States who seek licensure in Indiana may be granted a temporary permit where the applicant meets the requirements of 845 IAC 1-3-1. The permit shall remain in effect until the license by endorsement for which application has been made is issued or denied by the board. The nonrefundable fee for a temporary permit as required under 845 IAC 1-6-8 must be paid at the time application is made. *(Board of Podiatric Medicine; 845 IAC 1-8.1-1; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA)*

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845 IAC 1-8.1-2 Limited license; postgraduate program

Authority: IC 25-29-2-11

Affected: IC 25-29-5-3

Sec. 2. (a) A limited license may be issued to an applicant who wishes to train in an educational institution or hospital as specified in IC 25-29-5-3. Such applicant must submit the following:

- (1) A completed application supplied by the board. This application is to be accompanied by the nonrefundable fee specified in 845 IAC 1-6-8.
- (2) Proof of all academic requirements for the degree of doctor of podiatric medicine from a school approved by the Council on Podiatric Medical Education.
- (3) Satisfactory evidence that he or she has not been the subject of disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public.
- (4) Satisfactory evidence that he or she does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.
- (5) A completed certification form showing evidence that the applicant has been accepted into a postgraduate program approved by the board.

(b) Approved postgraduate training programs are those approved by the Council on Podiatric Medical Education.

(c) Limited licenses issued under this section shall limit the applicant's practice of podiatric medicine to the postgraduate education program approved by the board in which the applicant is employed, assigned, or enrolled. This limitation shall be stated on the face of the limited license. (*Board of Podiatric Medicine; 845 IAC 1-8.1-2; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1285; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823; readopted filed Jul 19, 2007, 12:55 p.m.: 20070808-IR-845070056RFA; readopted filed Nov 25, 2013, 9:19 a.m.: 20131225-IR-845130275RFA*)

IC 25-1

ARTICLE 1. GENERAL PROVISIONS

IC 25-1-0.1

Chapter 0.1. Effect of Certain Acts

IC 25-1-0.1-1

No effect of P.L.257-1987 on rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun

Sec. 1. A SECTION of P.L.257-1987 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before September 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.257-1987 had not been enacted.

As added by P.L.220-2011, SEC.403.

IC 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1

Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2

"License"

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4

Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-0.5

"Board"

Sec. 0.5. As used in this chapter, "board" has the meaning set forth in IC 25-0.5-10-1.

As added by P.L.177-2015, SEC.3.

IC 25-1-1.1-1

Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. (a) Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(b) An individual licensed or certified under this title shall, not later than ninety (90) days after the entry of an order or judgment, notify the board in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol. A certified copy of the order or judgment with a letter of explanation must be submitted to the board along with the written notice.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5; P.L.177-2015, SEC.4.

IC 25-1-1.1-2

Suspension, denial, or revocation of a license or certificate for specified convictions

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a

crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

As added by P.L. 67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7; P.L.196-2013, SEC.9; P.L.158-2013, SEC.277; P.L.168-2014, SEC.36.

IC 25-1-1.1-3

Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug

under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991, SEC. 1; P.L. 17-2001, SEC. 6; P.L. 1-2002, SEC. 94; P.L. 151-2006, SEC. 11; P.L. 138-2011, SEC. 7; P.L. 182-2011, SEC. 7; P.L. 78-2012, SEC. 8; P.L. 196-2013, SEC. 10; P.L. 238-2015, SEC. 6.

IC 25-1-1.1-4

National criminal history background check for certain licenses and certificates; release of background results; random audit

Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the occupations or professions described in IC 25-0.5-1.

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history

background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

As added by P.L.155-2011, SEC.7. Amended by P.L.28-2012, SEC.23; P.L.232-2013, SEC.9; P.L.3-2014, SEC.6.

IC 25-1-1.1-5

Memorandum of understanding for data exchange; use of personal information

Sec. 5. (a) As used in this section, "licensee" refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, "personal information" means information that identifies an individual, including the following:

- (1) Photograph.
- (2) Social Security number.
- (3) Driver's license number or identification card number.
- (4) Name.
- (5) Address.
- (6) Telephone number.
- (7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

- (1) A prosecuting attorney.
- (2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.
- (3) A court.
- (4) A law enforcement agency.
- (5) The office of the attorney general.

As added by P.L.155-2011, SEC.8.

IC 25-1-1.2

**Chapter 1.2. Effect of Delinquency in Child Support Payments
on Licensed or Registered Persons**

IC 25-1-1.2-1

"Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-2

"Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education as established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.1-2005, SEC.191; P.L.246-2005, SEC.210.

IC 25-1-1.2-3

"Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

IC 25-1-1.2-4

"Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5

"License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-6

"Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-7

Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-16-12-8 (or IC 31-1-11.5-13(k), IC 31-6-6.1-16(k), or IC 31-14-12-5 before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

- (1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
- (2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109; P.L.207-2013, SEC.11.

IC 25-1-1.2-8

Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
- (2) Describes the amount of child support that the practitioner is in arrears.
- (3) Explains that unless the practitioner contacts the bureau and:

- (A) pays the practitioner's child support arrearage in full;
- (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

- (A) pay the practitioner's child support arrearage in full;
- (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
- (C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

- (A) paid the practitioner's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.

IC 25-1-1.2-9

Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10

Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies – Notice of Expiration

IC 25-1-2-1

Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2

Repealed

(Repealed by P.L.1-1990, SEC.247.)

IC 25-1-2-2.1

Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the permits, licenses, certificates of registration, or evidences of authority granted by a state agency and described in IC 25-0.5-2 must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6; P.L.57-2013, SEC.24; P.L.232-2013, SEC.10; P.L.3-2014, SEC.7.

IC 25-1-2-3

Authorization to issue and reissue licenses

Sec. 3. Subject to section 6(e) of this chapter, licensing agencies shall issue and reissue licenses and collect license fees on the basis of a licensing period. The entire fee for the issuance or renewal of a license shall be payable before the issuance or renewal of the license.

(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154,

Indiana Code 2015

SEC.1; P.L.177-2015, SEC.5.

IC 25-1-2-4

Repealed

(Formerly: Acts 1961, c.79, s.4. Repealed by P.L.177-2015, SEC.6.)

IC 25-1-2-5

Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6

Definitions; application of section; notice to licensee of need to renew; license expiration

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the entities described in IC 25-0.5-3 that regulate occupations or professions under the Indiana Code.

(c) Notwithstanding any other law, the entities referenced in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least ninety (90) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities referenced in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

- (1) Inform the individual of the following:
 - (A) That the individual's license has expired.
 - (B) Any requirements that must be met before reinstatement of a license may occur.
- (2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

(e) If a license is first issued to an individual less than ninety (90) days before the date at the end of the licensing period on which licenses of the type issued to the individual expire generally, the license issued to the individual:

(1) does not expire on that date; but

(2) expires at the conclusion of the next licensing period.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73; P.L.57-2013, SEC.25; P.L.232-2013, SEC.11; P.L.3-2014, SEC.8; P.L.177-2015, SEC.7.

IC 25-1-2-7

Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

IC 25-1-2-8

Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10

IC 16-19-5-2

IC 25-30-1-17

IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9

Repealed

(As added by P.L.227-2001, SEC.2. Repealed by P.L.194-2005, SEC.87.)

IC 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1

Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2

Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3

Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4

Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-4

Chapter 4. Continuing Education

IC 25-1-4-0.2

"Approved organization"

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

IC 25-1-4-0.3

"Board"

Sec. 0.3. As used in this chapter, "board" means any of the entities described in IC 25-0.5-4.

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8; P.L.57-2013, SEC.26; P.L.3-2014, SEC.9.

IC 25-1-4-0.5

"Continuing education"

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
 - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
 - (B) for a real estate appraiser:
 - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions

Reform, Recovery and Enforcement Act of 1989; or
(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

IC 25-1-4-0.6

"Practitioner"

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-0.7

Computation of designated time periods

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

IC 25-1-4-1

Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2

Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

IC 25-1-4-3

Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2

Indiana Code 2015

Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4

Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.

IC 25-1-4-5

Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.
- (2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
- (3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

- (1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
- (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
 - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of service of the notice.

(B) Acquire, within six (6) months after service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.

IC 25-1-4-6

Failure to comply; denial of license renewal or reinstatement; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7

Credit hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8

Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.

IC 25-1-5

Chapter 5. Professional Licensing Agency

IC 25-1-5-1

Centralization of staff, functions, and services; purpose

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L.206-2005, SEC.1.

IC 25-1-5-2

Definitions

Sec. 2. The following terms are defined for this chapter.

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group described in IC 25-0.5-5.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.206-2005, SEC.2; P.L.3-2014, SEC.10.

IC 25-1-5-3

Indiana professional licensing agency; functions; duties and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in IC 25-0.5-5.

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L.206-2005, SEC.3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3; P.L.84-2010, SEC.9; P.L.232-2013, SEC.12; P.L.3-2014, SEC.11.

IC 25-1-5-3.3

Treatment of rules adopted by health professions bureau before July 1, 2005; transfer of property and appropriations to agency; treatment of references to health professions bureau

Indiana Code 2015

Sec. 3.3. (a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the agency.

(b) On July 1, 2005, the agency becomes the owner of all the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the agency.

As added by P.L.220-2011, SEC.404.

IC 25-1-5-3.5

Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

As added by P.L.135-2012, SEC.3.

IC 25-1-5-4

Additional duties and functions; staff

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards described in IC 25-0.5-5;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and
- (4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least ninety (90) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for

failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to one hundred twenty (120) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the one hundred twenty (120) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under

subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the one hundred twenty (120) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the one hundred twenty (120) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period. If the one hundred twenty (120) day period expires without action by the board, the license shall be automatically renewed at the end of the one hundred twenty (120) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L.206-2005, SEC.4; P.L.177-2009, SEC.14; P.L.3-2014, SEC.12; P.L.177-2015, SEC.8.

IC 25-1-5-5

Executive director

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board described in IC 25-0.5-5, means the executive director of the agency or the

executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint not more than three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L.206-2005, SEC.5; P.L.6-2012, SEC.169; P.L.3-2014, SEC.13.

IC 25-1-5-6

Executive director; representatives; staff placement

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L.206-2005, SEC.6.

IC 25-1-5-7

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-5-8

Indiana Code 2015

Repealed

(As added by P.L.26-1985, SEC.19. Amended by P.L.332-1989(ss), SEC.45. Repealed by P.L.206-2005, SEC.15.)

IC 25-1-5-9

Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.

As added by P.L.177-1996, SEC.1.

IC 25-1-5-10

Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the entities described in IC 25-0.5-6.

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by an entity described in IC 25-0.5-6.

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.211-2001, SEC.1. Amended by P.L.177-2005, SEC.45; P.L.206-2005, SEC.7; P.L.2-2008, SEC.58; P.L.122-2009, SEC.4; P.L.84-2010, SEC.10; P.L.232-2013, SEC.13; P.L.3-2014,

SEC.14.

IC 25-1-5-11

Personal information; confidentiality; Social Security numbers; access; exceptions to confidentiality

Sec. 11. (a) As used in this section, "applicant" means an individual who applies for a license, certificate, registration, or permit issued by a board under this title.

(b) As used in this section, "licensee" means an individual who is or has been licensed, certified, or registered by a board under this title.

(c) As used in this section, "personal information" means the following:

- (1) Home telephone number.
- (2) Electronic mail address.

(d) Except as otherwise provided in this section, the personal information of an individual who is:

- (1) a licensee;
- (2) an applicant; or
- (3) a board member;

is confidential for purposes of IC 5-14-3-4 and may not be disclosed to the public by the agency or a board.

(e) An applicant or a licensee shall provide the applicant's or licensee's Social Security number to the agency.

(f) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(g) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each applicant or licensee to:

- (1) a testing service that provides the examination for licensure, certification, or registration to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating:
 - (A) licensure, certification, or registration; and
 - (B) disciplinary activities among the individual states.

(h) Notwithstanding subsection (d), the agency or a board may disclose personal information of an individual described in subsection (d) if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

- (1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.
- (2) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including

the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(3) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(4) For use by any person, when the person demonstrates, in a form and manner prescribed by the agency, that written consent has been obtained from the individual who is the subject of the information.

(5) For any other use specifically authorized by law that is related to the agency or a board or to public safety.

As added by P.L.157-2006, SEC.18. Amended by P.L.151-2013, SEC.9.

IC 25-1-5.5

Chapter 5.5. Electronic Registry of Professions

IC 25-1-5.5-1

Establishment of electronic registry

Sec. 1. The electronic registry of professions is established. This chapter applies to any profession required to use the registry under this title.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-2

Definitions

Sec. 2. As used in the chapter:

- (1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.
- (2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.
- (3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.
- (4) "Registrant" means an individual who is registered in the electronic registry of professions as:
 - (A) an individual state registered under IC 25-1-18; or
 - (B) an interior designer under IC 25-20.7.
- (5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

As added by P.L.177-2009, SEC.15. Amended by P.L.240-2015; SEC.1.

IC 25-1-5.5-3

Registry requirements

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

- (1) be maintained in an electronic format;
- (2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;
- (3) allow for payment of registration fees through only electronic means;
- (4) include each registrant's:
 - (A) name;
 - (B) city and state of residence;
 - (C) qualifications for registration;
 - (D) registration number;
 - (E) date the applicant was registered;
 - (F) place of business; and
 - (G) registration expiration date; and

(5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-4

Limitation of licensing agency's responsibilities and liability

Sec. 4. The licensing agency is not:

- (1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;
- (2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or
- (3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-5

Rules

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-5.5

Information to remain on registry

Sec. 5.5. Notwithstanding the expiration of IC 25-1-18 under IC 25-1-18-22, if the information described in section 3(b)(4) of this chapter concerning an individual is placed on the registry under IC 25-1-18 before April 1, 2018, the information may remain on the registry after March 30, 2018, subject to the rules adopted by the licensing agency under section 5 of this chapter.

As added by P.L.240-2015, SEC.2.

IC 25-1-5.5-6

Review of registry

Sec. 6. (a) Beginning in July 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registration of each profession under this chapter.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use by the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registration of the profession under this chapter.

Indiana Code 2015

(c) After a review required under subsection (a) or (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

As added by P.L.177-2009, SEC.15.

IC 25-1-6

Chapter 6. Professional Licensing Agency Functions and Duties

IC 25-1-6-1

Centralization of staff, functions, and services

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.

IC 25-1-6-2

Definitions

Sec. 2. The following terms are defined for this chapter:

- (1) "Board" means any agency, board, advisory committee, or group described in IC 25-0.5-7.
- (2) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8; P.L.3-2014, SEC.15.

IC 25-1-6-3

Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in IC 25-0.5-7.

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50; P.L.57-2013, SEC.27; P.L.3-2014, SEC.16.

IC 25-1-6-3.5

Indiana Code 2015

Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

As added by P.L.135-2012, SEC.4.

IC 25-1-6-4

Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) record keeping of board meetings, proceedings, and actions;
- (3) record keeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards described in IC 25-0.5-7;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a ninety (90) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
 - (A) the law regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or

certificate for not more than one hundred twenty (120) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the one hundred twenty (120) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond one hundred twenty (120) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the one hundred twenty (120) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period. If the one hundred twenty (120) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the one hundred twenty (120) day period.

(j) Notwithstanding any other law, the licensing agency may

stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3; P.L.3-2014, SEC.17; P.L.177-2015, SEC.9.

IC 25-1-6-5

Executive director

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board described in IC 25-0.5-7, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive

director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4; P.L.6-2012, SEC.170; P.L.3-2014, SEC.18.

IC 25-1-6-5.5

Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board described in IC 25-0.5-7 may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L.194-2005, SEC.5; P.L.3-2014, SEC.19.

IC 25-1-6-6

Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

IC 25-1-6-7

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-8

Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The licensing agency and the boards shall allow the department of state revenue, the alcohol and tobacco commission, and the bureau of motor vehicles access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency shall not issue or renew the person's license until:

- (1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(c) If the alcohol and tobacco commission notifies the licensing

agency that a person has an outstanding balance due to the alcohol and tobacco commission, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the alcohol and tobacco commission indicating that the person's outstanding balance has been satisfied.

(d) If the bureau of motor vehicles notifies the licensing agency that a person has an outstanding balance due to the bureau of motor vehicles because a check, draft, or order issued or delivered by the person to the bureau of motor vehicles was returned or dishonored because of insufficient funds, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the bureau of motor vehicles indicating that the person's outstanding balance has been satisfied.

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10; P.L.172-2011, SEC.131; P.L.261-2013, SEC.41.

IC 25-1-6-9

Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-10

Provision of Social Security numbers; access to numbers

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

IC 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1

Definitions

Sec. 1. The following terms are defined for this chapter:

- (1) "Board" means the appropriate entity described in IC 25-0.5-8.
- (2) "Director" refers to the director of the division of consumer protection.
- (3) "Division" refers to the division of consumer protection, office of the attorney general.
- (4) "Law enforcement agency" has the meaning set forth in IC 35-47-15-2.
- (5) "Licensee" means a person who is:
 - (A) licensed, certified, or registered by an entity described in IC 25-0.5-8; and
 - (B) the subject of a complaint filed with the division.
- (6) "Person" means an individual, a partnership, a limited liability company, or a corporation.
- (7) "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the entities described in IC 25-0.5-8.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51; P.L.57-2013, SEC.28; P.L.232-2013, SEC.14; P.L.3-2014, SEC.20; P.L.227-2015, SEC.2.

IC 25-1-7-2

Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3

Investigation of complaints

Sec. 3. (a) Except as provided in subsections (b) and (c), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation. *As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17; P.L.170-2013, SEC.1.*

IC 25-1-7-4

Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the entities described in IC 25-0.5-8.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.3-2014, SEC.21.

IC 25-1-7-5

Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8;
or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) Except as provided in section 3(b) or 3(c) of this chapter, the director has the following duties and powers:

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(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18; P.L.3-2014, SEC.22; P.L.227-2015, SEC.3.

IC 25-1-7-6

Statement of settlement; period to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the entities described in IC 25-0.5-8;
or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this

section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12; P.L.3-2014, SEC.23.

IC 25-1-7-7

Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8

Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9

Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

IC 25-1-7-10

Confidentiality of complaints and information

Sec. 10. (a) Except as provided in section 3(b) or 3(c) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not

disclose or further a disclosure of information concerning the complaint unless the disclosure is:

- (1) required under law;
- (2) required for the advancement of an investigation; or
- (3) made to a law enforcement agency that has jurisdiction or is reasonably believed to have jurisdiction over a person or matter involved in the complaint.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19; P.L.227-2015, SEC.4.

IC 25-1-7-11

Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12

Reimbursement of attorney general

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13

Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

IC 25-1-7-14

Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that the person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

(1) file complaints under subsection (a)(1);

(2) issue show cause orders under subsection (a)(2); and

(3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under

IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

- (1) funeral home license;
- (2) funeral director license;
- (3) embalmer license; or
- (4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals.

As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9; P.L.134-2013, SEC.2.

IC 25-1-8

**Chapter 8. Occupational and Professional Licensure,
Registration, and Certification Fees**

IC 25-1-8-1

"Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-9.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52; P.L.57-2013, SEC.29; P.L.3-2014, SEC.24.

IC 25-1-8-1.1

Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2

Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

Indiana Code 2015

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than twenty-five dollars (\$25) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.

IC 25-1-8-3

Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4

Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

As added by P.L.234-1983, SEC.3.

IC 25-1-8-5

Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing

company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6

Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the entities described in IC 25-0.5-10.

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education

as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15; P.L.3-2014, SEC.25.

IC 25-1-8-7

Repealed

(As added by P.L.194-2005, SEC.6. Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8

Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than one hundred twenty (120) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the one hundred twenty (120) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstatement the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity

described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond one hundred twenty (120) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the one hundred twenty (120) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the one hundred twenty (120) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the one hundred twenty (120) day period.

As added by P.L.197-2007, SEC.21. Amended by P.L.177-2015, SEC.10.

IC 25-1-9

Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1

"Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-11.

As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59; P.L.122-2009, SEC.8; P.L.84-2010, SEC.16; P.L.3-2014, SEC.26.

IC 25-1-9-2

"Practitioner"

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3

"License"

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3.5

"Sexual contact"

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-31.5-2-302);
- (2) other sexual conduct (as defined in IC 35-31.5-2-221.5); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

As added by P.L.200-2001, SEC.1. Amended by P.L.114-2012, SEC.50; P.L.158-2013, SEC.278.

IC 25-1-9-4

Standards of professional practice; findings required for sanctions; evidence of foreign discipline

Sec. 4. (a) A practitioner shall conduct the practitioner's practice

in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
 - (i) Medicaid (42 U.S.C. 1396 et seq.);
 - (ii) Medicare (42 U.S.C. 1395 et seq.);
 - (iii) the children's health insurance program under IC 12-17.6; or
 - (iv) insurance claims;
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public;
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

- (8) a practitioner has diverted:
 - (A) a legend drug (as defined in IC 16-18-2-199); or
 - (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;
- (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
- (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
- (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;
- (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or
- (13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.

IC 25-1-9-5

Optometry employment practice

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6

Veterinary practitioners; cruelty to animals

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary

technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.
As added by P.L.152-1988, SEC.1.

IC 25-1-9-6.5

Chiropractors; waiver of deductible or copayment

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

- (1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
- (2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

- (1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
- (2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
- (3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L.151-1989, SEC.9.

IC 25-1-9-6.7

Marriage and family therapists; disciplinary sanctions

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

- (1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
- (2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
- (3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
- (4) without the consent of the child's parent, guardian, or

custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

- (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
 - (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
 - (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;
- (5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:
- (A) make or file a false report or record; or
 - (B) impede or obstruct the filing of a report or record; or
- (6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));
- (7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;
- (8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or
- (9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.

IC 25-1-9-6.8

Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

Sec. 6.8. (a) This section applies to a practitioner who is:

- (1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or
- (2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

IC 25-1-9-6.9

Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L.206-2005, SEC.14.

IC 25-1-9-7

Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

IC 25-1-9-8

Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-9

Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those

areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10

Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a

practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.

IC 25-1-9-10.1

Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

As added by P.L.43-1995, SEC.3.

IC 25-1-9-11

Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-12

Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-13

Consistency of sanctions prescribed

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-14

Surrender of practitioners license instead of hearing; approval

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-15

Costs in disciplinary proceedings

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.

IC 25-1-9-16

Refusal of licensure or grant of probationary license

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board

considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.

IC 25-1-9-17

Applicant appearance before board

Sec. 17. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L.33-1993, SEC.16. Amended by P.L.84-2010, SEC.17.

IC 25-1-9-18

Fitness determination of health care provider; filing complaint

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

IC 25-1-9-19

Third party billing notice

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.12.

IC 25-1-9-20

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Authority to adopt rules

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.25.

IC 25-1-9-21

Rules; management and disposition of health records

Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

- (1) sale;
- (2) transfer;
- (3) closure;
- (4) disciplinary action;
- (5) retirement; or
- (6) death;

of the practitioner.

As added by P.L.177-2009, SEC.16.

IC 25-1-11

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1

"Board"

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-12.

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53; P.L.3-2014, SEC.27.

IC 25-1-11-2

"Practitioner"

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3

"License"

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4

"Person"

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5

Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material

- deception in order to obtain a license to practice, including cheating on a licensing examination;
- (B) engaged in fraud or material deception in the course of professional services or activities;
- (C) advertised services or goods in a false or misleading manner; or
- (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public;
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- (9) a practitioner has allowed a license issued by a board to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or
- (10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.
- (b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board

may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6

Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7

Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8

Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9

Engineers or professional surveyors; grounds for disciplinary

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sanctions

Sec. 9. A practitioner registered as an engineer or a professional surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

- (1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54; P.L.57-2013, SEC.30.

IC 25-1-11-9.5

Repealed

(As added by P.L.237-1995, SEC.1. Repealed by P.L.194-2005, SEC.87.)

IC 25-1-11-10

Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.

IC 25-1-11-11

Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12

Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;

- (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner; or
 - (E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).
- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.
- (7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.
- (b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.

IC 25-1-11-13

Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the

board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) The board may summarily suspend the license of an individual licensed under IC 25-34.1 for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations or omissions in at least three (3) transactions. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(d) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182; P.L.231-2013, SEC.9.

IC 25-1-11-14

Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15

Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16

Consistency of sanctions

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Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17

Surrender of practitioner license; surrender prohibited if attorney general opposes

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

- (1) has filed an administrative complaint concerning the practitioner's license; and
- (2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.

IC 25-1-11-18

Costs; practitioners subject to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.

IC 25-1-11-19

Refusal to issue license; probationary license; requirements

Sec. 19. (a) The board may refuse to issue a license or may issue

a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.

IC 25-1-11-20

Appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L.194-2005, SEC.10.

IC 25-1-11-21

Authority to adopt rules

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

of a person whose spouse serves on active duty (as defined in

IC 25-1-12-2) and is assigned to a duty station in Indiana.
As added by P.L.144-2007, SEC.26.

IC 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1

Applicability of chapter

Sec. 1. (a) This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and

- (2) is called to active duty.

(b) This chapter applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and

- (2) have been called to full-time service in the:

- (A) armed forces of the United States; or

- (B) National Guard;

after September 11, 2001.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.

IC 25-1-12-2

"Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or

- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-3

"Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the Army;

- (2) the Navy;

- (3) the Air Force;

- (4) the Coast Guard;

- (5) the Marine Corps; or

- (6) the Merchant Marine.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.64.

IC 25-1-12-4

"National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or

- (2) the Indiana air national guard.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-5

"Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.

IC 25-1-12-6

Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out of state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out of state on active duty, and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out of state active duty by providing a copy of the practitioner's:

- (A) discharge; or
- (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's

license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.65.

IC 25-1-12-7

Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-8

Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

As added by P.L.88-2004, SEC.2.

IC 25-1-13

Chapter 13. Indiana Scheduled Prescription Electronic Collection and Tracking Program

IC 25-1-13-1

Effective date

Sec. 1. This chapter applies after June 30, 2007.

As added by P.L. 65-2006, SEC.1.

IC 25-1-13-2

"Agency"

Sec. 2. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L. 65-2006, SEC.1.

IC 25-1-13-3

"INSPECT"

Sec. 3. As used in this chapter, "INSPECT" refers to the Indiana scheduled prescription electronic collection and tracking program established by section 4 of this chapter.

As added by P.L. 65-2006, SEC.1.

IC 25-1-13-4

Establishment of the Indiana scheduled prescription electronic collection and tracking program

Sec. 4. The Indiana scheduled prescription electronic collection and tracking program is established within the agency.

As added by P.L. 65-2006, SEC.1.

IC 25-1-13-5

Agency functions, duties, and responsibilities

Sec. 5. The agency shall perform all administrative functions, duties, and responsibilities for the INSPECT program.

As added by P.L. 65-2006, SEC.1.

IC 25-1-13-6

INSPECT program duties

Sec. 6. The INSPECT program shall collect and process information received under IC 35-48-7-8.1 and has duties described in IC 35-48-7-10.1 and IC 35-48-7-11.1.

As added by P.L. 65-2006, SEC.1.

IC 25-1-15

**Chapter 15. Exemptions for Athletic Organization
Practitioners Licensed in Other Jurisdictions**

IC 25-1-15-1

License

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-2

Practitioner

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

- (1) Athletic trainer.
- (2) Chiropractor.
- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-3

Exemption

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that

employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this section:

(1) does not have practice privileges in any licensed hospital or health care facility; and

(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;

in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

As added by P.L.177-2009, SEC.18.

IC 25-1-16

Chapter 16. Evaluation of Regulated Occupations

IC 25-1-16-1

"Agency"

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-2

"Board"

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-3

"Committee"

Sec. 3. As used in this chapter, "committee" means the jobs creation committee established by section 6 of this chapter.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.4.

IC 25-1-16-4

"License"

Sec. 4. As used in this chapter, "license" means:

- (1) an unlimited license, permit, certificate, or certificate of registration;
- (2) a temporary, limited, or probationary license, permit, certificate, or certificate of registration;
- (3) an intern permit; or
- (4) a provisional license;

issued by the board regulating the regulated occupation in question.

"Licensed" has a corresponding meaning.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.5.

IC 25-1-16-4.5

"Office"

Sec. 4.5. As used in this chapter, "office" refers to the office of management and budget.

As added by P.L.112-2014, SEC.6.

IC 25-1-16-5

"Regulated occupation"

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-6

Jobs creation committee established

Sec. 6. The jobs creation committee is established.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.7.

IC 25-1-16-7

Members; terms; votes

Sec. 7. (a) The committee consists of the following individuals:

- (1) The executive director of the agency or the executive director's designee. The executive director or the executive director's designee shall serve as chairperson of the committee.
- (2) The director of the office or the director's designee.
- (3) The attorney general or the attorney general's designee, as a nonvoting member.

- (4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. The member serves at the pleasure of the governor.

- (5) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

- (6) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(5) or (a)(6) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection (a)(5) or (a)(6) expires on July 1, 2014.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.8.

IC 25-1-16-8

Review and evaluation of regulated occupations and boards; report

Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

- (2) An assessment of the management efficiency of the board.

- (3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

- (4) An assessment of the necessity, burden, and alternatives to

the licenses issued by the board.

(5) An assessment of the fees that the board charges for licenses.

(6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether:

(A) the regulation of a regulated occupation should be modified;

(B) the board should be combined with another board;

(C) whether the board or the regulation of the regulated occupation should be terminated;

(D) whether a license should be eliminated; or

(E) whether multiple licenses should be consolidated into a single license.

(6) Any recommendations for administrative changes.

(7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.9.

IC 25-1-16-9

Cooperation with committee; testimony

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-10

Indiana Code 2015

Review schedule

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every five (5) years.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.10.

IC 25-1-16-11**Staff; expenditures**

Sec. 11. (a) The office shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the office, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the office.

As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.11.

IC 25-1-16-12**Member reimbursement**

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.84-2010, SEC.19.

IC 25-1-16-13**Annual report**

Sec. 13. The committee shall submit a report to the:

(1) governor; and

(2) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.84-2010, SEC.19. Amended by P.L.53-2014, SEC.140; P.L.112-2014, SEC.12.

IC 25-1-16-14**Public input**

Sec. 14. The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or

change to a regulated occupation.
As added by P.L.112-2014, SEC.13.

IC 25-1-16-15

Review of new license proposals

Sec. 15. The committee shall review and evaluate a proposal to license a new occupation upon the request of any of the following:

- (1) A member of the general assembly.
- (2) A legislative staff member on behalf of a member of the general assembly.
- (3) A member of the legislative services agency on behalf of a member of the general assembly.

As added by P.L.112-2014, SEC.14.

IC 25-1-17

**Chapter 17. Licensure of Individuals with Military Training;
Licensure of Military Spouses**

IC 25-1-17-1

"Board"

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-1-8-1.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-2

"Military service"

Sec. 2. As used in this chapter, "military service" means service performed while an active member of any of the following:

- (1) The armed forces of the United States.
- (2) A reserve component of the armed forces of the United States.
- (3) The National Guard.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-3

"Military spouse"

Sec. 3. As used in this chapter, "military spouse" means the husband or wife of an individual who is a member of the armed forces of the United States.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-4

Issuance of license, certificate, registration, or permit to military service applicant; conditions

Sec. 4. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon application to a licensing board, the applicant satisfies the following conditions:

- (1) Has:
 - (A) completed a military program of training;
 - (B) been awarded a military occupational specialty; and
 - (C) performed in that occupational specialty;
at a level that is substantially equivalent to or exceeds the academic or experience requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certificate, registration, or permit from the board for at least two (2) of the five (5) years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would

have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Pays the fees required by the board from which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-5

Issuance of license, certificate, registration, or permit to military spouse applicant; conditions

Sec. 5. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military spouse to allow the military spouse to practice the military spouse's occupation in Indiana if, upon application to the board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, registration, or permit from another jurisdiction, and that jurisdiction's requirements for a license, certificate, registration, or permit are substantially equivalent to or exceed the requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Can demonstrate competency in the occupation through methods as determined by the board, including having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification, registration, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-6

Relevant experience

Sec. 6. (a) All relevant experience of a:

(1) military service member in the discharge of official duties;
or

(2) military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity;

must be credited in the calculation of years of practice in an occupation as required under section 4 or 5 of this chapter.

Indiana Code 2015

(b) In determining if a military service member substantially meets the academic requirements for a license, certificate, registration, or permit issued by a board, the board shall consider the recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education, or the council's successor organization.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-7

Effect of nonresidency

Sec. 7. A nonresident who is issued a license, certificate, registration, or permit under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license, certificate, registration, or permit by a board.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-8

Temporary practice permit

Sec. 8. (a) Notwithstanding any other law, a board may issue a temporary practice permit or provisional license to a:

- (1) military service applicant; or
- (2) military spouse who is licensed, certified, registered, or issued a permit in another jurisdiction;

while the military service applicant or military spouse is satisfying certain requirements, as determined by the board, for a license, certificate, registration, or permit under section 4 or 5 of this chapter.

(b) The military service applicant or military spouse may practice under the temporary practice permit or provisional license issued under subsection (a) until:

- (1) a license, certification, registration, or permit is granted or denied by the board;
- (2) a temporary permit expires; or
- (3) a provisional license holder fails to comply with the terms of the provisional license.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-9

Rules

Sec. 9. A board may adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-10

Applications under established requirements

Sec. 10. This chapter does not prohibit a military service applicant or military spouse from proceeding under other licensure, certification, registration, or permit requirements established by a board.

As added by P.L.57-2012, SEC.2.

IC 25-1-18

**Chapter 18. Pilot Program for State Registration of Privately
Certified Individuals**

IC 25-1-18-1

Restrictions on effect of chapter

Sec. 1. (a) Under this chapter:

- (1) a supporting organization may not be approved;
- (2) an individual may not be state registered; and
- (3) information about an individual may not be placed on the registry;

in connection with any health care service occupation or any occupation for which a person is licensed, certified, or registered by the Indiana plumbing commission.

(b) If state or federal law provides that a certain act or procedure can be performed only by the holder of a particular occupational license, nothing in this chapter allows a person who does not hold that occupational license to perform the act or procedure.

(c) This chapter:

- (1) does not affect the:

- (A) licensing of;
- (B) issuance of a certificate to; or
- (C) registration of;

a person by the Indiana plumbing commission or any other body that licenses, certifies, or registers persons under IC 25;

- (2) may not be interpreted as allowing an individual to circumvent the procedure set forth in IC 25 for the:

- (A) licensing of;
- (B) issuance of a certificate to; or
- (C) registration of;

a person by the Indiana plumbing commission or any other body that licenses, certifies, or registers persons under IC 25; and

- (3) may not be interpreted as allowing an individual who is not licensed, certified, or registered by the Indiana plumbing commission or another body under IC 25 to perform any act within the scope of practice of a person who is licensed, certified, or registered by the Indiana plumbing commission or another body under IC 25.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-2

Requirements applying to chapter

Sec. 2. The requirements of:

- (1) IC 25-1-2;
- (2) IC 25-1-5.5; and
- (3) IC 25-1-8;

apply to this chapter.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-3

"Agency"

Sec. 3. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-4

"Committee"

Sec. 4. As used in this chapter, "committee" means the jobs creation committee established by IC 25-1-16-6.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-5

"Executive director"

Sec. 5. As used in this chapter, "executive director" refers to the executive director of the agency.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-6

"Health care service occupation"

Sec. 6. (a) As used in this chapter, "health care service occupation" means an occupation in which the practitioner provides, or assists in providing, care for the human body that is intended to prevent, treat, or manage:

- (1) an illness, injury, physical deterioration, or physical defect; or
- (2) the physical consequences of an illness, injury, physical deterioration, or physical defect;

of the human body.

(b) The term includes:

- (1) health care service occupations for which a license or certificate is issued under IC 25; and
- (2) health care service occupations for which no license or certificate is issued under IC 25.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-7

"Placed on the registry"

Sec. 7. For purposes of this chapter, an individual being "placed on the registry" means that the types of information about the individual that are set forth in IC 25-1-5.5-3(b)(4) are posted on the registry and made available to the public under IC 25-1-5.5.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-8

"Registry"

Sec. 8. As used in this chapter, "registry" refers to the electronic registry of professions established by IC 25-1-5.5-1.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-9

"Removed from the registry"

Sec. 9. For purposes of this chapter, an individual being "removed from the registry" means that the information about the individual that was posted on the registry when the individual was placed on the registry is removed from the registry.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-10

"Scope of practice"

Sec. 10. As used in this chapter, "scope of practice" refers to the lawful procedures, actions, processes, or services that an individual who has obtained:

- (1) a license or certificate under IC 25; or
- (2) another certification or credential;

is specially qualified by training or skill to perform.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-11

"Supporting organization"

Sec. 11. (a) As used in this chapter, "supporting organization" means:

- (1) a national organization; or
- (2) the Indiana chapter of a national organization;

that exists solely to serve or benefit individuals who work in one (1) or more particular occupations.

(b) The term includes an entity that provides professional certification, provides continuing education, or facilitates the continued existence of the occupation or occupations.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-12

Application for approval of supporting organization

Sec. 12. (a) An application for a supporting organization to be approved under this chapter must be submitted before July 1, 2017. An application must be submitted by the supporting organization on its own behalf and must include the following:

- (1) The name of the supporting organization.
- (2) The disclosure of each occupation that the supporting organization certifies.
- (3) Information about how approving the supporting organization will provide consumers additional protection.
- (4) The following information about the scope of practice of each occupation to which the supporting organization relates:
 - (A) The extent to which the scope of practice is similar to the scope of practice of a profession or occupation for which a license or certificate is issued under IC 25.
 - (B) The extent to which the services provided by individuals practicing the occupation include fiduciary responsibilities.

(C) The extent to which:

(i) the services provided by individuals practicing the occupation; or

(ii) the powers with which the individuals practicing the occupation are legally vested;

can be misused for unscrupulous reasons.

(5) The supporting organization's ability to certify and decertify individuals who have earned a specific certification or credential from the supporting organization.

(6) The supporting organization's ability to investigate consumer complaints against the individuals who have earned a specific certification or credential from the supporting organization.

(7) The supporting organization's administrative functionality, including monitoring the individuals who have earned a specific certification or credential from the supporting organization.

(8) Continuing education services provided by the supporting organization.

(9) The supporting organization's length of existence.

(10) The collective reputation of individuals who have earned a specific certification or credential offered by the supporting organization.

(11) Any other information requested by the agency.

(b) After the agency has received a completed application, the committee shall evaluate the information included in the application under subsection (a) and hold a public meeting on the application at which public testimony on the application may be presented.

(c) After the committee has conducted a public meeting under subsection (b), the committee shall make recommendations to the executive director as to whether the supporting organization should be approved for purposes of this chapter.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-13

Executive director's determination whether to approve supporting organization

Sec. 13. (a) After receiving the recommendations of the committee concerning an application under section 12 of this chapter, the executive director shall determine whether to approve the supporting organization for purposes of this chapter.

(b) The executive director may not approve more than five (5) supporting organizations under this chapter.

(c) The executive director may not approve a supporting organization for purposes of this chapter if any action performed within the scope of practice of individuals who have earned a certification or credential from the supporting organization is the same as or substantially similar to an action within the scope of practice of a profession or occupation that can be undertaken only by an individual who holds a license or certificate issued under IC 25.

(d) If the executive director decides against approving a

supporting organization, the supporting organization may appeal the executive director's determination to the committee. The committee, by an affirmative vote of two-thirds (2/3) of the members, may reverse a determination made by the executive director under subsection (a). An action of the committee reversing a determination of the executive director under this subsection is a final agency action for purposes of IC 4-21.5.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-14

Prerequisites to individual's information being placed on the registry

Sec. 14. (a) To be placed on the registry, an individual must satisfy the requirements set forth in subsection (b) before July 1, 2017.

(b) An individual who wishes to be placed on the registry must:

(1) submit to the agency:

(A) any documentation required by the agency; and

(B) the information about the individual that will be posted on the registry; and

(2) meet the following requirements:

(A) Have earned a specific certification or credential offered by an approved supporting organization.

(B) Not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently and lawfully.

(C) Submit to a national name based criminal history record check, as defined in IC 10-13-3-12.5.

(D) Not have outstanding tax liabilities.

(E) Not be delinquent (as defined by IC 25-1-1.2-4) on the payment of court ordered child support.

(F) Swear or affirm under penalty of perjury that the individual meets the eligibility standards set forth in clauses (A) through (E).

(G) Pay the fee required by the agency, as set by the committee.

(c) An individual who complies with subsection (a) shall be placed on the registry and is state registered.

(d) An individual who does not meet a requirement set forth in subsection (b)(2)(B), (b)(2)(D), or (b)(2)(E) may submit a request to the executive director to waive the requirement. After considering the waiver request, the executive director may waive the requirement for an individual if the executive director determines that the individual, in practicing the individual's occupation, would not present an unreasonable risk of harm to the health, safety, or welfare of the public.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-15

Indiana Code 2015

Renewal of an individual's registration

Sec. 15. (a) Subject to section 22 of this chapter, an individual's registration under this chapter is valid for not more than two (2) years and may be renewed for successive periods that end on June 30 of odd-numbered years.

(b) Subject to section 22 of this chapter, an individual who is state registered may renew the individual's registration by doing the following:

(1) Swearing or affirming under penalty of perjury that the individual meets the eligibility standards set forth in section 14(b)(2) of this chapter.

(2) Paying the fee required by the agency, as set by the committee.

(c) Subject to section 22 of this chapter, the information about a state registered individual that is posted on the registry shall remain on the registry as long as the individual remains state registered, unless the individual is removed from the registry:

(1) by voluntary action of the individual; or

(2) by the agency under section 17(3) of this chapter.

However, notwithstanding the expiration of this chapter under section 22 of this chapter, information about a state registered individual that is posted on the registry before April 1, 2018, may remain on the registry after March 30, 2018, under IC 25-1-5.5-5.5.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-16

Auditing of information by the Professional Licensing Agency and by approved supporting organizations

Sec. 16. (a) The agency may audit documents and other information submitted under this chapter. If the agency believes that a document or other information submitted under this chapter contains any intentional misrepresentation, the agency may submit the information to the appropriate law enforcement agency or prosecuting attorney for appropriate action.

(b) An approved supporting organization may:

(1) audit the information on the registry concerning individuals who are identified as having earned a certification or credential from the supporting organization; and

(2) notify the agency of any information that is incorrect.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-17

Review of changes; potential cancellation of supporting organization's approval or removal of individual from registry

Sec. 17. The agency shall adopt a process under which the agency may do the following:

(1) Receive notice of and review any change in:

(A) an approved supporting organization's requirements for the certification or credentialing of individuals; or

- (B) the scope of practice of the occupation to which the approved supporting organization relates.
- (2) Cancel a supporting organization's approval for any reason for which a supporting organization seeking approval may be denied approval under this chapter.
- (3) Remove an individual from the registry if:
 - (A) the individual does not meet the eligibility requirements set forth in section 14(b) of this chapter;
 - (B) the supporting organization that awarded the certification or credential to the individual has lost its approval; or
 - (C) the office of the attorney general submits a written request to the agency to remove the individual from the registry because the individual poses a risk to the health, safety, or welfare of the public.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-18

Use of "state registered"; unauthorized use is Class B infraction

Sec. 18. (a) An individual who is placed on the registry may use the title or designation "state registered" in conjunction with the occupation name as given by the supporting organization as part of the individual's professional title on any letters, signs, cards, or advertisements in connection with the individual's occupation.

(b) An individual who is not state registered or who has been removed from the registry:

- (1) is not prohibited from performing for compensation an occupation of state registered individuals; but
- (2) shall not use:
 - (A) the term "state registered"; or
 - (B) any words, letters, or abbreviations that tend to indicate that the individual is state registered;as part of the individual's professional title on any letters, signs, cards, or advertisements in connection with the individual's occupation.

(c) A person who violates this section commits a Class B infraction.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-19

Rules

Sec. 19. The agency shall adopt rules under IC 4-22-2 to administer this chapter.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-20

Right of review

Sec. 20. An individual or supporting organization that is aggrieved by an action taken under this chapter has a right of review of the action under the procedure provided in IC 4-21.5.

Indiana Code 2015

As added by P.L.240-2015, SEC.3.

IC 25-1-18-21

Report to legislative council

Sec. 21. Not later than November 1, 2017, the executive director shall provide a report to the legislative council in an electronic format under IC 5-14-6 concerning the pilot program conducted under this chapter. The report must include the following:

- (1) The names of the supporting organizations that were approved under the pilot program.
- (2) The names of the supporting organizations that were not approved under the pilot program.
- (3) The number of individuals who were state registered under the pilot program.
- (4) Information about how state registration under the pilot program provided additional consumer protection to the residents of Indiana.
- (5) The recommendations of the executive director about whether the pilot program established by this chapter should be continued and expanded.

As added by P.L.240-2015, SEC.3.

IC 25-1-18-22

Expiration of chapter

Sec. 22. This chapter expires April 1, 2018.

As added by P.L.240-2015, SEC.3.